

FPS-376

July 7, 2005

**UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

C.A. No. **05-2852**

James vs. York County Police Department  
(M.D. of PA Civil No. 01-cv-01015)

Present: Marcia M. Waldron, Clerk

Submitted is appellant's affidavit in support of motion to proceed in forma pauperis, which is treated as a motion for leave to appeal in forma pauperis, pursuant to Rule 24, Federal Rules of Appellate Procedure.

in the above-captioned case.

MMW/ghb

**O R D E R**

The foregoing motion to proceed in forma pauperis is granted. Appellant filed a notice of appeal on June 1, 2005. Appellant is a prisoner and seeks to proceed in forma pauperis on appeal. Appellant is required to pay the full \$255.00 fee in installments regardless of the outcome of the appeal. Appellant has completed and filed the required authorization form permitting the appropriate prison officials to assess, collect and forward to the District Court the filing and docketing fees for this appeal pursuant to 28 U.S.C. §§ 1915(b)(1) and (2). The Court hereby directs the warden or his or her designee to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to the prisoner's account; or (b) the average monthly balance in the prisoner's account for the six month period immediately preceding the filing of the notice of appeal. The warden, or his or her designee, shall calculate, collect, and forward the initial payment assessed in this order to the **Clerk of the Middle District of Pennsylvania**. In each succeeding month when the amount in the prisoner's account exceeds \$10.00, the warden, or his or her designee, shall forward payments to the **Clerk of the Middle District of Pennsylvania** equaling 20% of the preceding month's income credited to the prisoner's account until the fees are paid. Each payment shall reference the appellate docket number for this appeal.

This appeal will be submitted to a panel of the Court for determination under 28 U.S.C. § 1915(e)(2). The Court also will consider any other appropriate action, such as summary affirmance of the order of the District Court. See Third Circuit Internal Operating Procedure 10.6.

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For the Court,

/s/ Marcia M. Waldron  
Clerk

Dated: July 14, 2005  
CLC\cc: Mr. Tyrone P. James  
Kristin G. Hogue, Esq.  
Timothy P. Keating, Esq.



*Marcia M. Waldron*  
Marcia M. Waldron, Clerk